

**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:06CV253-3-MU**

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| SIDNEY EUGENE BROWN, |) | |
| |) | |
| Petitioner, |) | |
| |) | |
| v. |) | <u>O R D E R</u> |
| |) | |
| JAMES ROY COOPER, |) | |
| Respondent. |) | |
| |) | |

THIS MATTER is before the Court on Petitioner's "Motion to Amend the Following Legal Documents" (Document No. 4); "Motion for the Appointment of Legal Counsel" (Document No. 5); "Motion: Authority of Magistrate Judge In Criminal Matters" (Document No. 6); "Motion for an Evidentiary Hearing" (Document No. 7); "Motion to Unseal Records, Files, Documents, Photos. Labs, Etc..." (Document No. 8); and Motion to be Released from Custody (Document No. 9) all filed on July 20, 2006. For the reasons stated herein, the Petitioner's motions will de denied.

Factual and Procedural Background

According to his Petition, on October 1, 2002, Petitioner was convicted by a jury of robbery with a dangerous weapon and was sentenced to 144 to 182 months imprisonment. Petitioner appealed his conviction and sentence to the North Carolina Court of Appeals. On November 18, 2003, the Court of Appeals found no error in Petitioner's trial and affirmed his conviction. On March 27, 2006, more than two years following the conclusion of Petitioner's

direct review process, Petitioner filed a Motion for Appropriate Relief (“MAR”) in March 2006 which was denied on May 4, 2006. Petitioner did not appeal the denial of his MAR. On June 19, 2006, Petitioner filed a Petition for Writ of Habeas Corpus in this Court. On June 20, 2006 this Court entered an Order dismissing Petitioner’s Petition as time barred. Moreover, this Court concluded that equitable tolling was not available for Petitioner (Document No. 2.)

Petitioner’s Petitioner was dismissed on June 20, 2006 as time barred thereby closing the current case. Since Petitioner’s case is closed, his current motions must be denied as moot.

Order

NOW, THEREFORE, IT IS HEREBY ORDERED that the Petitioner’s motions (Documents 4, 5, 6, 7, 8 and 9) are DENIED as moot.

SO ORDERED.

Signed: August 1, 2006



Graham C. Mullen
United States District Judge

